

Testimony in support of the passage of

HB 5511 AN ACT CONCERNING THE BUDGET, SPECIAL ASSESMENTS AND ASSIGNMENT OF FUTURE  
INCOME APPROVAL PROCESS IN COMMON INTEREST OWNERSHIP COMMUNITIES.

Proposed to the Joint Judiciary Committee

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I would like to thank the chairman, vice chairman and members of the Joint Judiciary committee for their attention to this matter. I am presenting this argument in support of the passage of HB 5511.

My wife and I have been somewhat complacent residents at Heritage Village for almost four years but the most recent budget passed by the Heritage Village Masters Association was an outrageous 'slap in the face' to say the least.

The results of the budget held in the fall of 2011 were as follows:

- 1,786 out of 2,580 unit owners actually cast their ballots; a majority of almost 70%.
- 1,199.961 voted to reject the proposed budget; a majority of 67% of votes cast.
- 594.419 voted to accept the proposed budget; a minority of 33% of votes cast.
- A small number of ballots cast were disqualified for various non-specific reasons.

However, since the remaining unreturned ballots were counted as yes votes, the budget was passed by a simple majority. To complicate and perhaps skew the matter votes are weighted proportionately according to the size of each type of property. For example the owner of a smaller unit may have a vote count of 0.8 while the owner of a larger unit would count as 1.2 votes.

One can only speculate as to why some owners didn't even bother to vote. I suspect that since some of the properties are rented or leased the owners may not have received their ballots; some may think that an uncast vote isn't counted at all as in a general election; or ballots were misplaced or forgotten.

Something as important as a budget that affects all property owners should not be treated so lightly in a proxy manner. The meaning or intent of an unreturned vote should never be construed or assumed. This is why I urge that bill number HB 5511 be passed onto the general assembly to hopefully put an end to this unfair and deceptive practice. Thank you.

Sincerely,  
Richard Giordano